

Practitioner's Docket No. KEN3/WAB

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Julian J. Kennedy; Michael A. Morris; Douglas E. Morris

For: VIDEO GAMING DEVICE AND COMMUNICATIONS SYSTEM

Application No. 09/787,103 (U.S. National Phase Filing of International Application No. PCT/ZA99/00085, filed on September 14, 1999).

**STATEMENT OF FACTS IN SUPPORT OF FILING  
ON BEHALF OF NONSIGNING INVENTORS (37 C.F.R. SECTION 1.47)**

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventors for the above identified patent application.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

**IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS**

William A. Blake  
Jones, Tullar & Cooper, P.C.  
P.O. Box 2266 Eads Station  
Arlington, VA 22202

**LAST KNOWN ADDRESS OF THE NONSIGNING INVENTORS**

Michael A. Morris and Douglas E. Morris  
2702 Triana Boulevard, Suite C  
Huntsville, AL 35805

**DETAILS OF REFUSAL OF NONSIGNING INVENTOR  
TO SIGN APPLICATION PAPERS**

The two nonsigning inventors, Michael A. Morris and Douglas E. Morris, refused to sign the declaration as a result of a financial dispute between the first named inventor, Julian J. Kennedy, and them. Copies of a number of exhibits are attached which support the following facts.

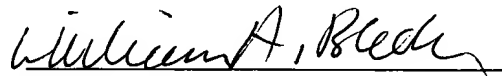
In March 2001, a letter was sent to Michael And Douglas Morris that requested execution of an assignment for a corresponding Canadian patent application (Exhibit 1). In response, Michael Morris sent

an E-mail message on March 19, 2001, which indicated that they would ignore all such requests until their equipment was either returned or paid for, and that any further correspondence would be shredded without action (Exhibit 2).

On May 17, 2001, the undersigned attorney sent a letter, with a declaration to be executed, to Michael and Douglas Morris at their last known address (Exhibit 3). However, these papers were returned in the unopened envelope marked "Not Deliverable as Addressed, Unable to Forward." (Exhibit 4).

Subsequently, on June 7, 2001, the undersigned attorney sent an E-mail message to Michael Morris (Exhibit 5). Mr. Morris responded that they would not execute any further assignments until their equipment was paid for or returned (Exhibit 6). Although a declaration is not the same as an assignment, a point that the undersigned attorney noted in a reply E-mail message (Exhibit 7), it is clear that neither Michael nor Douglas Morris will agree to sign any paper related to the subject application unless or until their financial dispute with Julian Kennedy is settled.

Date: July 25, 2001

A handwritten signature in cursive script, reading "William A. Blake", written over a horizontal line.

**William A. Blake**  
Attorney for Applicant  
Registration No. 30548



EXHIBIT 1

**McCALLUM RADEMEYER & FREIMOND**  
Intellectual Property Law: Patents and Trade Marks

Physical Address:

Maclyn House, 7 June Avenue,  
Randburg, Johannesburg

Telephone (011) 789-1046 Telefax (011) 787-4516 Docex 5 Randburg  
e-mail: mcr@iafrica.com

Postal Address:

Box 1130, Randburg,  
2125, South Africa

**BY COURIER**  
**URGENT**

14 March 2001

Mr M A Morris & Mr D K Morris  
Suite C  
2702 Triana Boulevard  
HUNTSVILLE AL 35805  
USA

Our Ref: P18768/MAJR/DD

Dear Sirs

**CANADIAN PATENT APPLICATION No. 2,295,749**  
**Entitled : MULTIPLAYER INTERACTIVE VIDEO GAMING DEVICE**  
**In the name of : MANDINO TRADING LIMITED**

We refer to our letter of 10 April 2000 of which we enclose a copy for ease of reference.

To date we have not received the signed Assignment of Invention form from you. We again enclose a suitable Assignment of Invention form for signature by you. Kindly return the signed form to us urgently by way of overnight courier.

Yours faithfully

**McCALLUM RADEMEYER & FREIMOND**

Per: M.A.J. Rademeyer

/vc

Encl : Form for signature

ASSIGNMENT - CANADA

(1) Name(s) of Inventor(s)

In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, we **Julian J. KENNEDY; Michael A. MORRIS and Douglas K. MORRIS**

(2) Address(es) of Inventor(s)

whose full post office addresses are respectively 2819 Old Buck Creek Road, Longs, SC 29568, U.S.A.; Suite C, 2702 Triana Boulevard, Huntsville, AL 35805, U.S.A. and Suite C, 2702 Triana Boulevard, Huntsville, AL 35805

(3) Name of Assignee(s)

confirm that we have sold assigned and transferred, and do hereby sell assign and transfer to **MANDINO TRADING LIMITED**

(4) Address of Assignee(s)

whose full post office address is **Palm Chambers No. 3, Road Town, Tortola, British Virgin Islands**

(5) Title of Invention

and to the assignee's successors, assigns or other legal representatives, my/our right to apply for and obtain Letters Patent of Canada for an invention relating to **MULTILAYER INTERACTIVE VIDEO GAMING DEVICE**

together with our entire right, title, property benefit and interest for Canada in and to the invention and to any and all applications for Letters Patent which may be or have been filed, and to any and all Letters Patent of Canada which may issue for the invention.

And I/we hereby covenant and agree to do all such things and to execute without further consideration such further assurances, applications, and other instruments as may reasonably be required by the assignee(s) to obtain Letters Patent of Canada for the invention and vest the same in the assignee(s).

(6) Place and Date of Execution

Signed, sealed and delivered at .....  
this ..... day of .....

LS

LS

LS

Signature(s) of Inventor(s)

STATEMENT BY WITNESS

(7) Name of Witness

I, ..... whose full post office address is .....

(8) Address of Witness

(9) Name(s) of Inventor(s)

state that I was personally present and did see **Julian J. KENNEDY; Michael A. MORRIS and Douglas K. MORRIS** who are personally known to me to be the person(s) named in the above assignment duly execute the same on the date set forth above.

LS

Signature of Witness

**NEITHER NOTARIZATION NOR LEGALIZATION IS REQUIRED**

Date sent: Mon, 19 Mar 2001 09:02:43 -0600  
From: "Michael A. Morris" <michaelm@alphabetatech.com >  
Subject: Patent Assignment  
To: mcrafr@iafrica.com

Ladies and Gentlemen:

It is interesting that you have sent another patent assignment to us. Mandino Trading will get all the signatures it wants from us when it returns our equipment or pays its fair value. Until such time, we will continue to ignore your requests. Any further correspondence that does not enclose payment will be shredded without action.

Please refer to your application. You have several typos that you should correct.

Michael A. Morris

*Carrollian Corp  
→ Mandino Trading  
Please.*

-- 1 --

Tue, 20 Mar 2001 08:00:55

**JONES, TULLAR & COOPER, P.C.**

PATENTS TRADEMARKS AND COPYRIGHTS

GEORGE M. COOPER  
DOUGLAS R. HANSCOM  
ERIC S. SPECTOR  
FELIX J. D'AMBROSIO  
WILLIAM A. BLAKE  
COLIN D. BARNITZ

SUITE 1002  
2001 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VIRGINIA 22202  
MAILING ADDRESS P.O. BOX 2266 EADS STATION  
ARLINGTON, VIRGINIA 22202  
TELEPHONE 703-415-1500  
FACSIMILE 703-415-1508  
E - MAIL: JTC@JTCPC.COM

REGISTERED PATENT AGENT  
JENNIFER P. YANCY

OF COUNSEL  
DANIEL A. SULLIVAN, JR.  
WILLIAM J. SHEEHAN  
JOSEPH G. SEEGER

MARYLAND ASSOCIATED OFFICE  
HALL, PRIDDY & MYERS  
10220 RIVER ROAD  
POTOMAC, MARYLAND 20854

May 17, 2001

VIA CERTIFIED MAIL

Mr. M.A. Morris & Mr. D.K. Morris  
Suite C  
2702 Triana Boulevard  
Huntsville, AL 35805

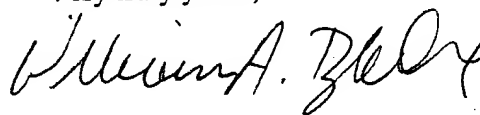
Re: Inventor Declaration for U.S. National Phase Commencement of  
International Application No. PCT/ZA99/00085

Dear Sirs:

We represent Vegas Amusement Incorporated and have recently filed a United States patent application corresponding to the above referenced PCT application in which both of you are listed as joint inventors along with Jamey Kennedy. A copy of the published PCT application is enclosed. In order for us to prosecute the application before the U.S. Patent and Trademark Office, we need both of you to sign and date the enclosed Declaration and Power of Attorney in the spaces provided on page 3, and then return the executed document to us for filing in the Patent Office. We have a limited time period in which to file the document, so your prompt attention to this matter would be appreciated.

Thank you for your assistance and please contact us if you have any questions concerning this matter.

Very truly yours,



William A. Blake

WAB:mlm  
Enclosure

JONES, TULLAR & COOPER, P.C.

P.O. BOX 2266

EADS STATION

ARLINGTON, VIRGINIA 22202

Not. 5/26.

PLACE STICKER AT TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE

**CERTIFIED MAIL**



7000 1670 0007 8425 3110

**First Class Mail**

MR MA MORRIS & MR DK MORRIS  
SUITE C

2702 TRIANA BOULEVARD  
HUNSTVILLE AL 35805

04 05/23/01

2007 1

SENDER ADDRESSED  
RETURN TO AS ADDRESS

NIXIE

RETURN TO FORWARD  
NOT DELIVERABLE TO

EXHIBIT 4

**Bill Blake**

---

**From:** "Bill Blake" <wablake@jtcpc.com>  
**To:** "Michael A. Morris" <michaelm@alphabetatech.com>  
**Sent:** Thursday, June 07, 2001 3:01 PM  
**Subject:** New US Patent Application  
Dear Mr. Morris,

I represent Vegas Amusement Inc. and have recently file a new US patent application that corresponds to International Application No. PCT/ZA99/00085. The application lists Jamey Kennedy, your brother and you as inventors. To prosecute the application, it is therefore necessary for your brother and you to execute a declaration and power of attorney. We attempted to send this document to your last known address, 2702 Triana Boulevard, Suite C, Huntsville, Al 35805, but it was returned marked "unable to forward." I would therefore appreciate it if you could provide me with an address where the document can be sent.

Thank you for your assistance and please call me if you would like to discuss this matter further.

Very Truly Yours,

Bill Blake

Jones, Tullar & Cooper, P.C.

703-415-1500

6/7/2001



**Bill Blake**

---

**From:** "Michael A. Morris" <michaelm@alphabetatech.com>  
**To:** "Bill Blake" <wablake@jtcpc.com>  
**Sent:** Thursday, June 07, 2001 5:38 PM  
**Subject:** Re: New US Patent Application  
Dear Sir:

Hate for you to get caught in the middle of a dispute. Please advise your clients that we will not execute any further assignments until our equipment, sent to RSA in November of 1998, is paid for or return in working order.

Michael A. Morris

----- Original Message -----

**From:** Bill Blake  
**To:** Michael A. Morris  
**Sent:** Thursday, June 07, 2001 2:01 PM  
**Subject:** New US Patent Application

Dear Mr. Morris,

I represent Vegas Amusement Inc. and have recently file a new US patent application that corresponds to International Application No. PCT/ZA99/00085. The application lists Jamey Kennedy, your brother and you as inventors. To prosecute the application, it is therefore necessary for your brother and you to execute a declaration and power of attorney. We attempted to send this document to your last known address, 2702 Triana Boulevard, Suite C, Huntsville, Al 35805, but it was returned marked "unable to forward." I would therefore appreciate it if you could provide me with an address where the document can be sent.

Thank you for your assistance and please call me if you would like to discuss this matter further.

Very Truly Yours,

Bill Blake

Jones, Tullar & Cooper, P.C.

703-415-1500

6/7/2001

**Bill Blake**

---

**From:** "Bill Blake" <wablake@jtcpc.com>  
**To:** "Michael A. Morris" <michaelm@alphabetatech.com>  
**Sent:** Thursday, June 07, 2001 6:26 PM  
**Subject:** Re: New US Patent Application  
Okay, I understand.

For the record, I should note that the document in question is not an assignment, but an inventor declaration and power of attorney that confirms you are an inventor and gives our firm power to prosecute the application. However, I assume from what you said, that you will not execute any further documents for this case.

Thank You,

Bill Blake

----- Original Message -----

**From:** Michael A. Morris  
**To:** Bill Blake  
**Sent:** Thursday, June 07, 2001 5:38 PM  
**Subject:** Re: New US Patent Application

Dear Sir:

Hate for you to get caught in the middle of a dispute. Please advise your clients that we will not execute any further assignments until our equipment, sent to RSA in November of 1998, is paid for or return in working order.

Michael A. Morris

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Thank you for your assistance and please call me if you would like to discuss this matter further.

Very Truly Yours,

6/7/2001

Bill Blake

Jones, Tullar & Cooper, P.C.

703-415-1500

6/7/2001

Practitioner's Docket No. KEN3/WAB

**IN THE UNITED STATES DESIGNATED OFFICE (DO/US)**

PCT/ZA99/00085	14 September 1999 (14.09.99)	14 September 1998 (14.09.98)
International Application Number	International Filing Date	International Earliest Priority Date



TITLE OF INVENTION: VIDEO GAMING DEVICE AND COMMUNICATIONS SYSTEM

APPLICANT FOR DO/US: Kennedy, Julian J.; Morris, Michael A. and Morris, Douglas E.

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: DO/US

**COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL  
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. section 371**

This replies to the Notice of Missing Requirements under 35 U.S.C. 371(FORM PCT/DO/EO/905), which was mailed on 25 April 2001. A copy of FORM PCT/DO/EO/905 accompanies this response.

**DECLARATION OR OATH**

**I.** No original declaration or oath was filed. Enclosed is the original declaration or oath for this application. The declaration is executed by only one of the inventors, Julian J. Kennedy. The other two inventors, Michael A. Morris and Douglas E. Morris, refused to sign the declaration. Accordingly, pursuant to the provisions of 37 C.F.R. § 1.47, Mr. Kennedy has executed the Declaration on behalf of the nonsigning inventors. A Statement of Facts by the undersigned attorney, including copies of exhibits referenced therein, and a Statement by Joint Inventor on Behalf of Nonsigning Inventors Who Refuse to Sign, are attached along with the petition fee of \$130.00 under 37 C.F.R. § 1.17(i).

**SMALL ENTITY STATUS**

**II.** This filing is by a small entity.

**EXTENSION OF TIME**

**III.** The proceedings herein are for a patent application. The provisions of 37 C.F.R. section 1.1 36(a) apply.

Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. section 1.17(a)(1)-(4), for one month.

**Fee \$ 55.00**

**TOTAL FEE DUE.**

**V. The total fee due is:**

Petition Fee Under 37 C.F.R. § 1.17 (i)	\$ 130.00
Extension fee	\$ 55.00
<b>TOTAL FEE DUE</b>	<b>\$ 185.00</b>

**PAYMENT OF FEES**

**VI. Enclosed is a check in the amount of \$ 185.00.**

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper, and during the entire pendency of this application, to Account No. 10-1213.

37 C.F.R. sections 1.492(a)(2), 1.492(a)(3), or 1.492(a)(5) (filing fees)

37 C.F.R. section 1.492(b) (presentation of extra claims)

37 C.F.R. section 1.17 (application processing fees)

37 C.F.R. section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a))

37 C.F.R. section 1.492(e) and (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest claimed priority date)

Date: July 25, 2001



William A. Blake  
Registration No. 30548  
Jones, Tullar & Cooper, P.C.  
P.O. Box 2266 Eads Station  
Arlington, VA 22202  
703-415-1500

07/27/2001 HNGUYEN 00000030 09787103

01 FC:122  
02 FC:215

130.00 OP  
55.00 OP